GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PR&RD – Establishment- Sri G.Sreenivasulu, S/o Musalaiah, NMR Bore Mechanic, O/o MPDO, Marripadu, Nellore District- Regularisation of services as Office Subordinate w.e.f. 04-12-2016, as a special case- In accordance with the orders of the Hon'ble High Court dated 09.07.2014 in W.P.No.39289/2014- In relaxation of the conditions stipulated in G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated:22-04-1994 –Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (ESTT.IV) DEPARTMENT

G.O.Ms.No.40 **Dt:22.07.2022**

Read the following:-

1. Orders of the Hon'ble APAT Dated:12.06.2006 in O.A.No.3312/2006 filed by Sri G.Sreenivasulu, S/o Musalaiah, NMR Bore Mechanic, O/o MPDO, Marripadu, Nellore District.
2. Govt.Memo No.733/Estt.VA/2008, dt:28-1-2010.
3. Orders of the Hon'ble APAT, dt.09-07-2014 in O.A.No.5435/2011 filed by Sri G. Sreenivasulu, Bore Mechanic, O/o MPDO, Marripadu, Nellore District
4. Govt.Memo.No. 14910/Estt.IV/A2/2011, dated:13.09.2014.
5. Orders dated 08.12.2016 in Writ Petition No.39289 of 2014 filed by the Chief Executive Officer, ZPP, Nellore before the Hon'ble High Court
6. Review Petition No. WPMPSR.No.27996 of 2017 on 04.02.2017 filed by the Chief Executive Officer, ZPP, Nellore before the Hon'ble High Court
7. Interim Orders dt.04.01.2018 in C.C.No.1706/2017 in W.P.No.39289/2014 filed by Sri G.Sreenivasulu, Bore Mechanic, O/o MPDO, Marripadu, Nellore District.
8. From the Chief Executive Officer, Zilla Praja Parishad, Nellore, Lr.Rc.No.A4/6879/2007, dt.13.06.2019.
9. Govt.Memo.No.14910/Estt.IV/A2/2011, dated: 04/11/2019
10. Govt. Letter No.14910/Estt.IV/A2/2011, Dated:04/11/2019
11. Govt. Memo.No. 108944/Estt.IV/A2/2011, Dt: 11/03/2022
12. From the Deputy Registrar of the Hon'ble High Court, Notice inI.A.No.1 of 2022 in Contempt Case No. 1706 of 2017 filed by Sri G.Sreenivasulu, Bore Mechanic, O/o MPDO, Marripadu, Nellore District.

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ORDER:

In the reference 1st read above, Sri G.Sreenivasulu, S/o Musalaiah, NMR Bore Mechanic, O/o MPDO, Marripadu, SPSR Nellore District, has filed O.A.No.3312/06 in APAT, to regularize his services. The Hon'ble APAT, directed the 1 st respondent i.e., Government (Panchayat Raj), to call for the records from the MPDO and consider the case of the applicant for regularization as per G.O.Ms.No.212, Finance & Planning (FW.PC.III) Dept., Dt:22-04-1994 taking into consideration the service render by him in the MPP., and Engineering Division and pass appropriate orders. On the above said O.A., the CEO, ZPP, Nellore has sent his report duly endorsing the report of the MPDO, MPP, Marripadu, SPSR Nellore District.

2. Government have examined the same in detail keeping in view of the reports of CEO, ZPP, SPSR Nellore District / the MPDO, Marripadu, SPSR Nellore District and rejected the request of the individual as he did not complete 5 years of service as on 25-11-1993, in terms of G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dt:22-04-1994, in reference 2nd read above.

3. Aggrieved by the above, the applicant has filed another O.A.No.5435/2011 before the Hon'ble APAT to regularize his services. The Hon'ble APAT in the reference 3rd read above, have made the following orders:

> The O.A is allowed and the impugned order issued vide Memo No.733/Estt.VA/2008, dated.28.01.2010 by the 1 st respondent (Principal Secretary, PR&RD., A.P) is set aside and the respondents are directed to issue orders to regularize the services of the applicant as the applicant is held to be eligible as per G.O.Ms.No.212, dated.22.04.1994.

4. Subsequently, the Chief Executive Officer, ZPP, Nellore has filed a Writ Petition No.39289 of 2014 before the Hon'ble High Court against the orders dated:09-07-2014 of the Hon'ble APAT. The Hon'ble High Court in reference 5th read above, have made the following order:

> The Writ Petition is partly allowed, modifying the orders of the Tribunal to consider the case of the 1 st respondent for regularization, at least from 04-12-2016, on which date a recommendation was made by the Mandal Parishad Development Officer. The petitioner shall pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

(P.T.O)

5. As per the directions of the Government , vide reference 6th read above, the CEO, ZPP, SPSR Nellore has filed Review Petition No. WPMPSR.No.27996 of 2017 on 04.02.2017 and the same was refused by the Hon'ble High Court of Andhra Pradesh.

6. Sri G.Sreenivasulu, S/o Musalaiah, NMR Bore Mechanic, O/o MPDO, Marripadu, SPSR Nellore District, has filed C.C.No.1706 of 2017, before the Hon'ble High Court for non implementation of the orders of the Hon'ble High Court dated 08/12/2016 in WP.No.39289 of 2014. The Hon'ble A.P., High Court in the reference 7th read above, have directed as follows:

> "The learned special Government Pleader attached to the Office of the Learned Advocate General states that he will advise the respondents appropriately."

7. The Chief Executive Officer, Zilla Praja Parishad, SPSR Nellore, in the reference 8th read above, has requested to issue further orders in the matter. Government have examined the same in consultation with the Finance and Law departments and rejected the request of individual as he has not completed continuous service for a period of minimum five years as on the cut-off date i.e. 25.11.1993 in a single unit of appointing authority as defined under Rule 4 (2) (d) of A.P. Ministerial Service Rules, 1998 and he never worked in a regular post sanctioned by the Government.

8. The Deputy Registrar, High Court of Andhra Pradesh in reference 12th read above, has informed that the counsel for the petitioner i.e., Sri.G.Sreenivasulu, S/o.Musalaiah, Bore Mechanic (NMR), Marripadu, SPSR Nellore District has filed an I.A.No. 1 of 2022 in the Contempt case No. 1706 of 2017 praying the Hon'ble High Court to implead the proposed respondent i.e., the Principal Secretary to Government, PR&RD Department, as Respondent No. 2 in the above contempt case and the Hon'ble High Court directed the Principal Secretary to Government, PR&RD Department (respondent No.2), to show cause either appearing in person or through advocate duly instructed on 28/04/2022 at 10.30AM, as to why the application should not be ordered.

9. Government after careful examination of the matter, have decided to implement the orders dated 08.12.2016 in WP No. 39289 of 2014 of the Hon'ble High Court and accordingly hereby order to regularize the services of Sri. G.Sreenivasulu, S/o.Musalaiah, Bore Mechanic (NMR), Marripadu, SPSR Nellore District, as Office Subordinate with effect from 04-12-2016, in relaxation of the conditions stipulated in G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated:22-04-1994. This order should not be treated as precedent in future.

10. The Commissioner, Panchayat Raj and Rural Development Department, AP shall take further action accordingly in the matter.

11. This order issues with the concurrence of Finance Department vide their Finance U.O.Note.No.FMUOMISC/511/2019 (Computer No.965611) Dt: 20/07/2022

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner,
Panchayat Raj and Rural Development Department AP.,
Tadepalli, Guntur District.
The Chief Executive Officer,
Zilla Praja Parishad, SPSR Nellore District.
Copy to :
The Accountant General, AP, Vijayawada.,
The Finance (FMU, PR,RD & RWS) Dept,
The PS to Principal Secretary to Government PR&RD,
The PS to Hon'ble Deputy CM(PR&RD),
The Government Pleader for Services-IV, AP High Court,
The District Treasury Officer, SPSR Nellore.
SF/SC.

//FORWARDED :: BY ORDER//

M. Kondala Rao
SECTION OFFICER